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8 IN THE UNITED STATES DISTRICT COURT

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10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
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13 Plaintiff,
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15 v.
16 FERNANDO CASTRO BAZAN,
17 Defendant.

CASE NO. 2:21-CR-00196-DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: July 18, 2024

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for status on July 18, 2024. ECF No. 58.
- 21 2. On April 28, 2022, a federal grand jury in the Southern District of California returned an
22 indictment against Mr. Bazan and two other defendants. *United States of America v. Castro Bazan et al*,
23 3:22-CR-971-JO. The defendant was arrested for this offense on June 30, 2022, and has remained in
24 custody for this separate federal case. Order of detention, 3:22-CR-971-JO, ECF No. 52. Mr. Bazan has
25 since entered guilty pleas on this separate case. 3:22-CR-971-JO, ECF No. 132. He was sentenced on
26 May 17, 2024. 3:22-CR-971-JO, ECF Nos. 199, 205. The government has since submitted the
27 necessary paperwork to the U.S. Marshals Service requesting that Mr. Bazan be transported to this
28 district.

3. By this stipulation, defendant now moves to continue the status conference until August 22, 2024, at 9:00 a.m., and to exclude time between July 18, 2024, and August 22, 2024, under Local Codes T4 and M.

4. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes investigative reports, undercover surveillance footage, recorded calls in English and Spanish, phone records and other evidence.

b) Counsel for defendant desires additional time to consult with her client, review the current charge, to conduct investigation and research related to the charge, to review and copy discovery, to discuss potential resolutions with her client, and to otherwise prepare for trial.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of July 18, 2024 to August 22, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

g) Given the defendant's current unavailability as a result of his custody in another district, this exclusion of time is also appropriate under 18 U.S.C. § 3161(h)(3)(A) [Local Code M].

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: July 10, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

Dated: July 10, 2024

/s/ NOA OREN
NOA OREN
Counsel for Defendant
FERNANDO CASTRO BAZAN

ORDER

IT IS SO FOUND AND ORDERED this 10th day of July, 2024.

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE